



Public Notice

**US Army Corps
of Engineers**
Louisville District

Public Notice No.
200301464

Date:
13 Jul 04

Closing Date:
11 Aug 04

Please address all comments and inquiries to:
U.S. Army Corps of Engineers, Louisville District
ATTN: Ms. Pam Loeffler, CELRL-OP-FS
P.O. Box 59
Louisville, Kentucky 40201-0059

Phone: (502) 315-6693

This notice announces an application submitted for a Department of the Army (DA) Permit, subject to Section 404 of the Clean Water Act (CWA)

APPLICANT: Kentucky Transportation Cabinet
Department of Highways
State Office Building, 10th Floor
Frankfort, Kentucky 40622

LOCATION: The proposed project area includes Dry Run, Clear Creek, and unnamed tributaries. The project would commence from the intersection of US60 and KY55, approximately 1.3 miles west of Shelbyville, and would extend 4.5 miles north and east to its proposed terminus at KY55, northeast of Shelbyville, Shelby County, Kentucky.

Latitude: 38-12-49.8626
Longitude: 85-15-34.5036
7.5 Minute Quad: Simpsonville, KY

PURPOSE: To construct a bypass for the City of Shelbyville to reduce traffic congestion and address increased commercial and industrial growth in the area.

DESCRIPTION OF WORK: The applicant proposes to construct a new four-lane roadway to serve as a bypass and alleviate traffic congestion in Shelbyville. The proposed roadway would require construction of one bridge, placement of 10 pipe culverts and one box culvert, an inlet extension for an existing box culvert, and relocation of six stream segments associated with the roadway construction, and restoration of five additional segments as part of the mitigation for this project. The project involves impacts to ephemeral, intermittent, and perennial waterways and one pond. This public notice takes into account for individual permit review activities at only four of these locations, specifically Stations 108+73 to 156+90 (Site 4); Station 164+87.6 (Site 6); Station 234+00 (Site 10); and Station 260+83 (Site 11); as described below and depicted on the attached plans. Additional detailed drawings for these locations are available upon written request to this office.

NOTE: The remaining crossings identified on the attached map involve impacts less than 500 lft and 0.10 acre, and have been reviewed and determined to qualify for authorization under the terms and conditions of Nationwide Permit No. 14, and its associated regional conditions.

Site 4 - Sta. 108+73 to 156+90: Approximately 2206 lft of Dry Run would be relocated to facilitate roadway embankment construction, with placement/replacement of three culverts. Additionally, based on the condition of the stream, the applicant has proposed to realign other reaches of Dry Run to provide additional mitigation and enhance the entire stream corridor. This would involve impacts to 4023 lft of stream as described in the Mitigation paragraph below. The attached plan sheets for Site 4 depict the roadway impact segments as "Stream Relocation with Mitigation" and the other impact segments as "Additional Stream Mitigation."

Site 6 - Sta. 164+87.6: A 320-lft box culvert (7'x 5') would be constructed, with 105 lft of inlet and 273 lft of outlet channel improvement on Dry Run. This would impact 695 lft (0.08) of existing stream. Onsite mitigation is proposed.

Site 10 - Sta. 234+00: A 1.1-acre pond would be drained and 0.33 acre would be filled for roadway construction. A 142.8-lft x 42-inch pipe with 40 feet of inlet channel improvement would be constructed on a tributary of Clear Creek.

Site 11 - Sta. 260+83: A 238.6-lft x 72-inch pipe would be constructed with 211 feet of inlet and 417 feet of outlet channel improvement on an ephemeral tributary of Clear Creek known as Bowman Branch. This would impact 827 lft (0.11 acre) of existing stream and 40 lft of existing culvert. Onsite mitigation is proposed.

MITIGATION: The applicant proposes onsite mitigation for the impacts to waters of the U. S., as mentioned above. The mitigation plan is divided into eleven reaches, three of which would receive construction impacts associated with roadway construction. Those reaches not affected by construction would be realigned as needed to improve the stream configuration, including placement of in-stream structures such as rock vanes, toe protection and bedrock bank stabilization, and establishment of a continuous riparian area that would contain three planting zones, to include upland and floodplain forest and oxbow wetlands. A copy of the Mitigation Plan is available upon written request to this office.

It is noted that this proposed mitigation plan is open to comment and subject to change. The Corps will make a determination of appropriate mitigation, upon review of all submitted information.

REVIEW PROCEDURES: A DA Permit cannot be issued if any legally required Federal, State, or local authorization or certification is denied. A DA Permit, if otherwise warranted, will not be issued until a State of Kentucky Water Quality Certification or waiver is on file at this office. In order to comply with Section 401 of the Clean Water Act, the applicant, by this notice, hereby applies for State certification from the Kentucky Natural Resources and Environmental Protection Cabinet Division of Water (KDOW).

Copies of this notice are sent to the appropriate Federal and State Fish and Wildlife Agencies. Their views and comments are solicited in accordance with the Fish and Wildlife Coordination Act of 1956. Based on available information, the proposed activity will not destroy or endanger any Federally-listed threatened or endangered species or their

critical habitats, as identified under the Endangered Species Act, and therefore, initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. A request for a public hearing must state the specific interest that might be damaged by issuance of the DA Permit.

The National Register of Historic Places has been examined and it has been determined that there are several properties within the project area that are currently listed on the Register. Prior to taking final action on this application, this office will establish the location of these properties relative to the proposed worksite. Any impacts on such properties will be evaluated and considered in making the final decision. With respect to other sites not currently listed on the Register, if we are made aware, as a result of comments received in response to this notice or by other means, of specific archaeological, scientific, prehistorical, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 -Public Law 89-665 as amended (including Public Law 96-515).

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among those are conservation, economics, aesthetic values, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use, navigation, recreation, water supply, water quality, energy needs, safety, food production, and in general, the needs and welfare of the public. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines (40 CFR Part 230) promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the CWA.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Written statements received in this office on or before the closing date will become a part of the official record and will be considered in the determination on this permit request. Any objections received during this period will be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. A permit will be granted unless its issuance is found to be contrary to the public interest.

Information pertaining to this application is available for public examination during normal business hours upon prior request. All comments regarding this proposal should be addressed to Ms. Pam Loeffler, CEORL-OP-FS at the address noted above and should refer to the Public Notice Number 200301464.